

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CWP No.1161 of 2019 (O&M)
Date of Decision.25.09.2019

Neeraj

...Petitioner

Vs

Uttar Haryana Bijli Vitran Nigam Limited Corporation and others

...Respondents

Present: Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Sunil Dhanda, Advocate for
Mr. Deepak Manchanda, Advocate
for the respondents.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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AMIT RAWAL J. (ORAL)

The short point involved in the present petition is whether the person, who has been exonerated in the criminal FIR registered on account of death of Assistant Line Man by the criminal court and after having been re-employed, can be denied work and salary.

Mr. Parminder Singh, learned counsel appearing on behalf of the petitioner submitted that on 10.08.2015, petitioner was recruited as Shift Attendant on contract basis and had been discharging his duties to the satisfaction of superior officers, which fact is evident from certificate Annexure P-2. However, on 25.05.2018, one Vikas, Assistant Line Man unfortunately died on account of electrocution while repairing the feeder line. Meanwhile, the agriculturist started the generator and current was reversed. It is on account of plying of generator by the agriculturist, resulted into reverse current. In this regard, FIR was registered.

Petitioner submitted a representation dated 08.10.2018 (Annexure P-5) to respondents highlighting the fact that incident did not occur on account of his fault. However, even the concerned Judicial Magistrate accepted the

cancellation report, respondents did not allow the petitioner to work nor passed any termination order and is made to suffer for no fault of his.

Per contra, Mr. Sunil Dhanda for Mr. Deepak Manchanda, learned counsel appearing for respondents relied upon Annexure R-1 narrative report submitted by Sub Divisional Officer, Madlauda wherein he found that accident could have been averted if Vikas Assistant Line Man had earthed properly and took the PTW. Reliance is also laid to the report of Executive Engineer, Electrical Inspectorate, Haryana whereby it was found that had the Assistant Line Man followed the direction of work conduct and had not switched on the feeder until request of the Assistant Line Man, the accident would have been averted, thus, urges this Court for dismissal of the writ petition.

I have heard learned counsel for the parties, appraised the paper book and of the view that action of respondents in not allowing the petitioner to work and grant him salary is wholly amounting to unfair practice, for, once the FIR has entailed into acceptance of cancellation report, grievance of the petitioner, despite having been reinstated, has not been alleviated on account highhandedness and whims and fancies of respondents.

Without commenting further, action of respondents, particularly in the absence of termination order, in not allowing the petitioner to work is wholly ill-founded and misplaced. The writ petition is allowed with direction to respondents to allow the petitioner to work and pay salary in accordance with law.

(AMIT RAWAL)
JUDGE

September 25, 2019
Pankaj*

Whether speaking/reasoned Yes

Whether reportable No